

REMARKS

Claim 1 is pending in this application. By this Amendment, claim 1 is amended.

Claims 2 and 3 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and following remarks is respectfully requested.

The Office Action, on page 2, rejects claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by JP 05-132041 to Sakai et al. (hereinafter "Sakai"). The cancellation of claim 2 and the amendment to claim 1, to incorporate the subject matter of claim 3, renders this rejection moot.

The Office Action, on page 3, rejects claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Sakai. This rejection is respectfully traversed.

Sakai discloses a method for filling PET bottles with acid drink. Specifically, the process disclosed in Sakai discloses filling the bottles at normal temperature, e.g., 40°C or less (see paragraph [0006]). This temperature range achieves the objective of Sakai to eliminate the cooling process. The Office Action asserts that it would have been obvious to one of ordinary skill in the art to modify Sakai to include filling beverage at temperatures between 50-60°C, as is positively recited in amended claim 1. However, such a modification is incompatible with the process disclosed in Sakai and its objectives. Specifically, increasing the fill temperature to 50-60°C and including a cooling step would be contrary to the purpose of eliminating a cooling step by filling the bottle at a normal temperature as disclosed in Sakai.

The process in Sakai is directed toward the sterilization of contaminants related to acidic drinks, and achieving this end through normal temperature filling without a cooling step. The problem addressed by the inventors of the present subject matter, rather, is how to mitigate shape deformation of the container by thermal influence. This problem is not

addressed by Sakai, which states that the PET bottle in that process has thermal resistance (see paragraph [0006]). As such, it would not have been obvious to one of ordinary skill in the art to look to modify the process disclosed in Sakai to address the problems facing the inventors of the present subject matter.

The current subject matter proposes increasing the fill temperature to a level higher than normal temperature thus mitigating the inner pressure of the container upon further heating, a problem and solution not addressed by Sakai.

To modify Sakai in accordance with the features recited in claim 1 would impermissibly render that subject matter unsuitable for its intended purpose. Specifically, increasing the fill temperature to 50-60°C incurs a cooling step that Sakai seeks to avoid. Further, the inclusion of such a step, would impermissibly alter the method of operation disclosed in Sakai.

For at least these reasons, the applied prior art reference does not teach, or reasonably suggest, all of the features recited in claim 1. Accordingly, reconsideration and withdrawal of the prior art rejections of the Office Action is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 1 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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